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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

ST CYR, DANIEL

ART UNIT

PAPER NUMBER

2876

DATE MAILED: 02/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/050,967

Applicant(s)

CECIL ET AL.

Examiner

Daniel St.Cyr

Art Unit

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-- Th MAILING DATE of this communication appears on th cov r sh t with th correspond nc address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Pri rity under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. As best understood by the examiner, claims 11, 12, 14-17, are rejected under 35 U.S.C. 102(b) as being anticipated by Imran, US patent No. 4,800,255.

Imran discloses an electronic access card with visual display comprising: a printed circuit board; a microprocessor is carried by the printed circuit board; key pad means is carried by the board and is connected to the microprocessor for inserting information into the microprocessor; coil means is carried by the printed circuit board and is connected to the microprocessor for receiving and transmitting information with respect to the microprocessor; visual display means is carried by the printed circuit board and is coupled to the microprocessor for displaying information in the microprocessor. More in particular, the electronic access card 11 having a visual display ; a printed circuit board 12 which has a key pad or keyboard assembly 13 mounted on the front side thereof. The key pad assembly includes a plurality of keys 14 in which 10 of the keys carry the arabic numerals 0-9 and in which other keys carry other suitable indicia. These indicia have been indicated as the letters A-G for convenience of illustration (see figure 1; col. 2, line 40 to col. 3, line 62; col. 4, lines 21-25).

Claim Rejections - 35 USC § 103

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3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Imran. The teachings of Imran.

Imran fails to disclose or fairly suggest that the portable device has a magnetic stripe so that the receiver has a magnetic reader to communicate with the portable device. However, magnetic cards and magnetic card readers are notoriously old and well known in the art. Therefore, it would have obvious for a person of ordinary skill in the art at the time the invention was made to modify the system of Imran to include magnetic communication as an alternate means for accessing the system.

6. Claims 1-4, 6, 7, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pugh, US Patent No. 5,016,376, in view of Imran. The teachings of Imran have discussed above.

Pugh discloses a magnetic actuated firearms locking mechanism comprising: a safety

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device for preventing unauthorized firing of a weapon H; a trigger 1; a mechanical firing means F for firing the weapon; a solenoid means S controllably actuates or deactuates upon the application of an electrical current or signal generated by the power source P; a decoder means D is mounted with the weapon for detecting a signal from an authorized user and selectively activating the solenoid means upon the signal from the authorized user; an encoder means E creates the signal indicating that the possessor is authorized to use the weapon; and a linkage means L connects the solenoid means S and the firing means F for controllably enabling or disabling the weapon from being fired upon the desired activation of the solenoid means (see figure 1 and col. 2, line 32+).

Pugh fails to disclose or fairly suggest using a proximity card technique that uses RF communication means for operating the firearm.

See Imran above.

In view of Imran's teachings, it would have been obvious for a person of ordinary skill in the art at the time the invention was made to modify the system of Pugh by substituting the magnetic system (i.e. magnetic encoder/decoder) with the well-known proximity communication technique for operating the firearm. Such modification would provide greater storage space to store more unique information so that the user could be accurately identified. Further, such modification would provide more effective communication between the encoder/decoder device and the firearm, which would make the system more secured and would prevent accidents. Therefore, it would have been an obvious extension as taught by Pugh.

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7. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pugh as modified by Imran as applied to claims 1-4 above and further in view of Vardanyan et al, US Patent No. 6,079,621. The teachings of Pugh as modified by Imran have discussed above.

Pugh as modified by Imran discloses a lithium battery 36, but fails to disclose or fairly suggests a solar cell.

Vardanyan et al disclose a secure card for E-commerce and identification comprising: a processor 2 including data storage and a controller, the data storage and the controller form circuitry external to the processor for working in conjunction with the processor and a photovoltaic power strip 4 in the form of a flexible solar battery for converting light into electricity is disposed on the card for providing sufficient power for powering the processor 2.

It would have been obvious for an artisan at the time the invention was made to employ a solar power battery in lieu of or in conjunction with the lithium battery of Pugh as modified by Imran for providing a permanent source of power to the system of Pugh as modified by Imran. Furthermore, it is known in the art to employ solar batteries in conjunction with other rechargeable batteries so that the solar batteries can recharge the other batteries. Therefore, it would have been an extension as taught by Pugh as modified by Imran.

8. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pugh as modified by Imran as applied to claims 1-4 above and further in view of Tamaka et al, US Patent No. 6,126,077. The teachings of Pugh as modified by Imran have discussed above.

Pugh as modified by Imran fails to disclose that dipole antennas are used for communication between the card and the external device.

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Tamaka et al disclose a data processing apparatus and method for data transmission comprising: a IC card having a half wavelength dipole antenna 86 while R/W 41 has a half wavelength dipole antenna 106 (see col. 8, lines 42-50).

It would have been obvious for artisan to employ dipole antennas in lieu of the loop antennas in the system of Pugh as modified by Imran for providing a more flexible system wherein the property of the antennas changes according to the contents of the transmitted data. Such modification would provide a more reliable and a more effective system. Therefore, it would have been extension as taught by Pugh as modified by Imran.

Double Patenting

9. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-10 rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-36 of U.S. Patent No. 6,340,116 in view of Pugh, US Patent No. 5,016,376. The security system disclose in the claims 1-36 could easily be used in conjunction with the firearm system of Pugh to provide system that would protect unauthorized access and prevent firearms accidents. Therefore, it would have been obvious to an artisan in the art.

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10. Claims 11-20 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1-36 of U.S. Patent No. 6,340,116. Although the conflicting claims are not identical, they are not patentably distinct from each other because the present claimed invention is a broader recitation of the '116 patent. For instance, see claim 11 of the instant application and claim 1 of the '116 Patent.

Conclusion

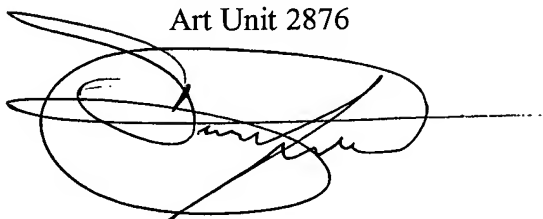
11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bertolini, US Patent No. 4,658,529, discloses a firing pin safety. Blanck, US patent No. 5,465,519, discloses a locking assembly and method for a firearm.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel St.Cyr whose telephone number is 703-305-2656. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G Lee can be reached on 703-305-3503. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7721 for regular communications and 703-308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

Daniel St.Cyr
Examiner
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A handwritten signature in black ink, appearing to read 'Daniel St.Cyr', is written over a large, loopy circular flourish.

DS
February 24, 2003